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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/611,391	07/01/2003	Susan Hickey	100041-41143	1534
7590	12/13/2006		EXAMINER	
Mark P. Levy, Esq. Thompson Hine LLP 2000 Courthouse Plaza NE 10 W. Second Street Dayton, OH 45402-1758			HOGE, GARY CHAPMAN	
			ART UNIT	PAPER NUMBER
			3611	
			DATE MAILED: 12/13/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/611,391	HICKEY ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Gary C. Hoge	3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 28 September 2006.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-14, 16, 28, 29 and 38-50 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-14, 16, 28, 29 and 38-50 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
3. Claims 1, 2, 4-14, 16, 28, 29, 39, 42 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Higgs (GB 2,289,520) in view of "Mouse Pad Calendar" and House (5,022,170).

Higgs discloses a mouse pad comprising a plurality of stacked sheets. On page 1, third line from the bottom, Higgs discloses that each sheet can be a calendar, and that each sheet is joined to an adjacent sheet at least partially along at least two separate edges of that sheet (see Fig. 5). However, Higgs does not disclose whether each calendar sheet has a time period of at least one week. "Mouse Pad Calendar" teaches that it was known in the art to provide a mouse pad calendar having a plurality of sheets, in which each sheet is a single month of a calendar. It

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would have been obvious to one having ordinary skill in the art at the time the invention was made to make each sheet of the calendar disclosed by Higgs have at least one week printed thereon, as taught by "Mouse Pad Calendar," because this would require fewer sheets than would be needed if a period of less than a week were printed on each sheet. Further, Higgs does not disclose whether an upper surface of each sheet is treated to have an anti-static property or a reduced static electricity charge. House teaches that it was known in the art to provide an anti-static top layer of a mouse pad (col. 5, lines 17-19). It would have been obvious to one having ordinary skill in the art at the time the invention was made to make each sheet of the mouse pad disclosed by Higgs have anti-static properties, as taught by House, in order to avoid collecting dirt on the mouse pad.

Regarding claim 2, it would have been obvious to limit each sheet to a static charge of less than about 10 volts, because it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

Regarding claim 9, it would have been obvious to limit each sheet to a surface resistivity of between about 800 and about 3000 ohms, because it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

Regarding claims 12 and 13, "Mouse Pad Calendar" teaches providing calendar sheets having one month each.

4. Claims 38, 3, 40 and 41 and 44-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Higgs (GB 2,289,520) in view of "Mouse Pad Calendar" and House

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(5,022,170), as applied to claim 1, above, and further in view of Greig (U.S. Statutory Invention Registration H377).

Higgs discloses the invention substantially as claimed, as set forth above. However, the adhesive disclosed by Higgs is applied along the entire length of the edges. Greig teaches that applying adhesive only to the corners is a functional equivalent known in the art (compare Figs. 3 and 4). It would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the adhesive disclosed by Higgs only to the corners of each sheet, as taught by Greig, in order to use less adhesive.

5. Claims 44-46, 48 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Higgs (GB 2,289,520) in view of "Mouse Pad Calendar" and Greig (U.S. Statutory Invention Registration H377).

Higgs discloses a mouse pad comprising a plurality of stacked sheets. On page 1, third line from the bottom, Higgs discloses that each sheet can be a calendar, and that each sheet is joined to an adjacent sheet at least partially along at least two separate edges of that sheet (see Fig. 5). However, Higgs does not disclose whether each calendar sheet has a time period of at least one week. "Mouse Pad Calendar" teaches that it was known in the art to provide a mouse pad calendar having a plurality of sheets, in which each sheet is a single month of a calendar. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make each sheet of the calendar disclosed by Higgs have at least one week printed thereon, as taught by "Mouse Pad Calendar," because this would require fewer sheets than would be needed if a period of less than a week were printed on each sheet. Further, the adhesive disclosed by Higgs is applied along the entire length of the edges. Greig teaches that applying

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adhesive only to the corners is a functional equivalent known in the art (compare Figs. 3 and 4).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the adhesive disclosed by Higgs only to the corners of each sheet, as taught by Greig, in order to use less adhesive.

6. Claims 47 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Higgs (GB 2,289,520) in view of "Mouse Pad Calendar" and Greig (U.S. Statutory Invention Registration H377), as applied to claims 44 and 48, respectively, above, and further in view of House (5,022,170).

Higgs discloses the invention substantially as claimed, as set forth above. However, Higgs does not disclose whether an upper surface of each sheet is treated to have an anti-static property or a reduced static electricity charge. House teaches that it was known in the art to provide an anti-static top layer of a mouse pad (col. 5, lines 17-19). It would have been obvious to one having ordinary skill in the art at the time the invention was made to make each sheet of the mouse pad disclosed by Higgs have anti-static properties, as taught by House, in order to avoid collecting dirt on the mouse pad.

#### *Response to Arguments*

7. Applicant's arguments filed September 28, 2006 have been fully considered but they are not persuasive.

Applicant states, "As correctly noted in the Office action, the House reference discloses that the *top* outer cover 108 may have anti-static properties. The Office then goes on to conclude, however, that this disclosure would teach one of ordinary skill in the art to make *each sheet* in a mousepad have anti-static properties" (emphasis in original). That is correct, because at one time

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or another, each sheet of the mousepad disclosed by Higgs will be the top sheet. House teaches that it was known in the art to make the top layer of a mousepad, i.e., the layer that the mouse will contact, have anti-static properties. Therefore, it would have been obvious to make the each layer disclosed by Higgs have anti-static properties, because sooner or later, each layer will be the top layer, i.e., the layer that the mouse will contact.

Regarding motivation, the motivation is clearly set forth in the statement of the rejection. The reason for having an anti-static property on an object (i.e., to repel dirt or dust) is well known and would have been readily apparent to a person having ordinary skill in the art reading the House reference. Additional references that demonstrate this widespread knowledge are Denesuk et al. (6,240,879) and McNelley (5,953,052).

### *Conclusion*

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary C. Hoge whose telephone number is (571) 272-6645. The examiner can normally be reached on 5-4-9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (571) 272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Gary C Hoge  
Primary Examiner  
Art Unit 3611

gch